

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

Renaissance Learning, Inc.,)	
)	
PLAINTIFF,)	
)	
v.)	Case No. 09-CV-763
)	
QOMO HiteVision, LLC,)	
)	
DEFENDANT.)	JURY TRIAL DEMANDED
)	

COMPLAINT

COMES NOW Plaintiff Renaissance Learning, Inc. (“Renaissance Learning”) and for its Complaint against Defendant QOMO HiteVision, LLC (“QOMO”), respectfully states as follows:

THE PARTIES

1. Renaissance Learning is a corporation organized and existing under the laws of the State of Wisconsin, having a principal place of business at 2911 Peach Street, P.O. Box 8036, Wisconsin Rapids, WI 54494.

2. On information and belief, QOMO is a Michigan limited liability company and has its principal place of business at 28265 Beck Road, Wixom, MI, 48393, and engages in substantial business in this judicial district and maintains substantial contacts with this judicial district.

JURISDICTION AND VENUE

3. This action arises under the Patent Laws of the United States, Title 35, United States Code, including, among others, section 271.

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338.

5. On information and belief, QOMO is in the business of providing its products to customers throughout the United States, including in this judicial district. Accordingly, venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400 because a substantial portion of the events giving rise to this action occurred in this judicial district and QOMO has committed acts of infringement in this judicial district.

United States Patent Number 7,502,855

6. On June 26, 2006, Mark R. Swanson, William L. Moss, Jr., Peter William Jungwirth, and Dean A. Goodmanson filed a patent application with the United States Patent and Trademark Office, which application resulted in the granting of United States Patent No. 7,502,855 (hereinafter, the “‘855 Patent”) on March 10, 2009. A copy of the ‘855 Patent is attached as Exhibit A.

7. Renaissance Learning is the owner by assignment of the ‘855 Patent.

8. Renaissance Learning has complied with 35 U.S.C. § 287 with respect to its products covered by the ‘855 Patent.

9. QOMO has been making, using, offering to sell, selling, and/or importing wireless audience response systems, under at least the “QRF” label, which are covered and protected by the claims of invention of the ‘855 Patent. In addition, QOMO has contributed to and/or induced its customers to infringe the claims of the ‘855 Patent.

10. On May 5, 2009, Renaissance Learning sent a letter to QOMO, *inter alia*, demanding that QOMO cease and desist its infringement of the ‘855 Patent.

11. QOMO has refused to cease and desist its infringement of the ‘855 Patent.

12. QOMO has never been licensed under the ‘855 Patent.

COUNT I – PATENT INFRINGEMENT

13. Renaissance Learning realleges and incorporates each and every allegation set forth in paragraphs 1 through 12 of the Complaint as if fully set forth and restated herein.

14. QOMO has infringed, and is currently infringing, at least claims 1 and 4 of the ‘855 Patent in violation of 35 U.S.C. § 271 *et seq.* (including Sections (a), (b), and (c)) directly, indirectly, contributorily, and by inducement of and action with others by making, using, selling, offering to sell in the United States, and/or importing into the United States products that embody one or more claims of the ‘855 Patent, including without limitation wireless audience response systems under the “QRF600” label.

15. QOMO induces infringement of the ‘855 Patent by inducing its customers to use the “QRF600” wireless audience response systems and by inducing its dedicated network of professional integrators and dealers to use, sell, and offer to sell the “QRF600” wireless audience response systems.

16. Upon information and belief, QOMO recently announced a new wireless audience response system, the “QRF900,” which, by its description, is within the scope of one or more claims of the ‘855 Patent.

17. QOMO is, and continues to be, a willful infringer of the ‘855 Patent.

18. Renaissance Learning has been injured and damaged by QOMO’s infringement of the ‘855 Patent.

19. QOMO’s infringement has caused, and continues to cause, sales of derivative and convoyed products, including, but not limited to, interactive whiteboards under the “QWB” label and interactive panels under the “QIT” label.

20. QOMO's infringement has caused, and continues to cause, irreparable harm to Renaissance Learning for which Renaissance Learning has no adequate remedies at law, unless and until enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Renaissance Learning, Inc. prays for a judgment as follows:

- (1) That QOMO HiteVision, LLC has infringed United States Patent No. 7,502,855;
- (2) For an Order permanently enjoining QOMO HiteVision, LLC and those acting in concert and participation therewith from infringing, inducing others to infringe, or contributing to the infringement of United States Patent No. 7,502,855;
- (3) For an award of all monetary damages to Renaissance Learning, Inc. for patent infringement as allowed by 35 U.S.C. § 284;
- (4) For treble the damage award pursuant to 35 U.S.C. § 284;
- (5) For a determination that QOMO HiteVision, LLC's conduct renders the patent infringement an exceptional case and an award of attorneys' fees pursuant to 35 U.S.C. § 285;
- (6) For an award to Renaissance Learning, Inc. of its costs and expenses; and
- (7) For a grant of all other relief that this Court deems necessary, just, and proper under the circumstances.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38 and the Seventh Amendment of the Constitution of the United States, Renaissance Learning, Inc. respectfully demands a jury trial on all issues so triable.

Respectfully submitted,

RENAISSANCE LEARNING, INC.

DATED: December 18, 2009

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